DOCUMENT RESUME

ED 249 422 CG 017 741

AUTHOR Hastings, Paul B.; D'Aboy, Kari Hansen
TITLE Malpractice Insurance Requirements in Counselor Education Master's Degree Programs: A Survey.
PUB DATE Mar 84
NOTE 15p.; Paper presented at the Annual Convention of the American Association for Counseling and Development (Houston, TX, March 18-21, 1984).
PUB TYPE Reports - Research/Technical (143) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Counselor Training; Graduate Students; Individual Needs; *Insurance; *Malpractice; Masters Programs

ABSTRACT

To determine what percentage of master's level graduate programs in counselor education recommend or require the purchase of malpractice insurance for their students, a 20 percent random sample of 287 master's level counselor education programs, listed in "Graduate Study in Psychology, 1982-83," were surveyed. The return rate was 80 percent (N=46 of 57 programs surveyed). Ninety-eight percent of the respondents indicated their students had direct client-counselor contact in their internship experience; however, only 48 percent of the programs recommend that their graduate students purchase malpractice insurance during the internship portion of their graduate training, and only 15 percent require that malpractice insurance be obtained. Fifty-six and one-half percent of the survey respondents reported that malpractice insurance is a topic in their curriculum. With increased client-counselor contact, counselor education programs, universities, professors, and students appear to be at risk for possible lawsuits. Counselor education programs might seriously consider mandatory malpractice insurance for all students offering direct counseling services. (Author/BL)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED249422

Malpractice Insurance Requirements in Counselor Education Master's Degree Programs: A Survey

Paul B. Hastings and Kari Hansen D'Aboy

Gonzaga University

Paul B. Hastings, Ph.D., is Chairperson of the Department of Counselor Education at Gonzaga University, Spokane, Washington. Kari Hansen D'Aboy, M.A., is Graduate Assistant for the Department of Counselor Education at Gonzaga University, Spokane, Washington. Reprints may be obtained from Dr. Paul Hastings, Chairperson, Department of Counselor Education, Gonzaga University, Spokane, WA 99258.

CG017741

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Paul B. Hastings

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Abstract

The purpose of the present research was to determine what percentage of Master's level graduate programs in Counselor Education recommend or require the purchase of malpractice insurance for their students. A 20 percent random sample of 287 Masters Level Counselor Education programs was taken from Graduate Study in Psychology, (1982-83. The return rate for the survey was 80 percent (N = 46 of 57 programs surveyed). Of the programs surveyed, 98 percent of the respondents indicated their students had direct client-counselor contact in their internship experience. Despite the vulnerability to malpractice suits because of the exposure in the internship experience, the study indicated that only 48 percent of the programs recommend that their graduate students purchase malpractice insurance during the internship portion of their graduate training. In addition, only 15 percent required that malpractice insurance be obtained. It appears that malpractice insurance is an important counselor training issue with fifty-six and one-half percent of the survey respondents reporting that malpractice insurance is a topic in their curriculum. With the increase of client-counselor contact, Counselor Education programs, universities, professors, and students appear to be at risk in terms of possible lawsuit. It is recommended that Counselor Education programs

seriously consider requiring all students engaging in internship experiences where they are expected to offer direct counseling services to clients, that they be required to purchase a malpractice insurance policy.

Abstract

This article describes results of a survey of Master's level programs in Counselor Education concerning their recommendation or requirement of malpractice insurance for internship students.

Malpractice Insurance Requirements in Counselor Education Master's Degree Programs: A Survey

Historically, there has been a steady climb in the incidence of malpractice suits against those in helping professions. Between 1946 and 1964, twenty-eight psychiatric cases reportedly reached appellate courts; and between 1964 and 1974, only two suits against psychologists were not settled out of court. In 1980, however, approximately 50 claims were received by the insurance carriers for the American Psychiatraic Association and approximately twenty-five claims were received by the American Psychological Association (Schwitzgebel, 1980).

In 1978, Mark Lewin confirmed this rising trend, stating that only about 100 suits were brought against psychologists during the decade between 1961 and 1971. Between 1971 and 1978, however, forty to fifty suits per year has been the case. A retrospective study of 25 years of professional liability coverage for psychologists confirmed an increase in the total number of claims against psychologists, but did not confirm an increase per 1,000 insured (Wright, 1981a).

Schwitzgebel (1980) recommended proper record keeping and being prepared to prove "good faith" as minor protection against suit. But the majority of writers on the subject assert that malpractice insurance is the one measure of protection every practitioner should not be without. Huckins (1968) suggested that although innocence may be an assurance against conviction for malpractice, the expenses of legal defense alone can be so high that counselors should consider malpractice insurance a sound professional and economic investment.

Unfortunately, many counselors may not purchase personal liability insurance because the agency for which they work has a group policy for its employees. And like these counselors some counseling interns may not purchase malpractice insurance because they believe they are covered under a university policy. This is no doubt a risky practice as the group policy may not protect a counselor from personal liability in a civil suit. In addition, in an agency internship setting, the intern, internship supervisors, the agency head, and the university may all be named as co-defendents in a suit. It may be to the insurance company's benefit to attempt to show that the intern's behavior fell outside the scope of the insurance policy's coverage, or to break the chain of responsibility and locate the negligence solely within one individual and thereby avoid liability for the agency or university (Schutz, 1982).

A personal policy ensures the counselor or counselor intern that an attorney will argue strenuously for their own interests.

In the last ten years, among articles published in the various professional journals, none have addressed the issue of malpractice insurance as it pertains to counselors-in-training. The closest reference to the issue of malpractice as related to graduate students was made by Schutz (1982). He suggested that training in graduate school and continuing education for licensed practitioners ought to include legal education. Therefore, the purpose of the present research was to identify the current practice of graduate training programs in Counselor Education with regard to malpractice insurance policies. Do programs address malpractice as a curriculum topic? Finally, do counselor education programs recommend or require their students to purchase their own policy for protection during their internship experience?

Method

Sample

A 20 percent random sample (N = 57) of 287 Master's level programs in Counselor Education listed in Graduate Study in Psychology, (1982:83), was randomly selected for this study. Programs from all 50 states were surveyed using a questionnaire (see Table 1).

Insert Table 1 about here

Instrument

A five-question questionnaire was developed by the researchers (Table 1) for use in this study. Chairs of programs sampled were asked to give yes or no responses to four of the five questions, and were to indicate which malpractice insurance policy (if any) was recommended to students. Areas investigated by the survey were: (a) existence of direct client-counselor contact in internship experiences; (b) malpractice insurance as a curriculum topic; (c) recommendation or requirement of malpractice insurance for interns; and (d) specific malpractice insurance policies recommended to students. Usable surveys

were returned by 46 respondents (80% response rate).

Procedure and Data Analysis

The Survey was mailed to department chairs of programs randomly selected for study. A Questionnaire numbering system was employed to record which programs had responded. A follow-up letter was mailed to non-respondents 4 weeks after the initial survey. Data were analyzed using percentages and frequency counts.

Results

Study of the data revealed that 98 percent of programs responding included an internship or practicum experience with direct client-counselor contact for their interns. Malpractice insurance was indicated as a curriculum topic in only 56.5 percent of the programs. In addition, which 48 percent of the programs recommend that their students purchase a malpractice insurance policy, only 15 percent actually require their students to do so. Of the 15 percent of the programs which required their interns to purchase malpractice insurance, the two most frequently purchased policies were offered by the American Professional Agency and AACD Professional Liability

Insurance. Other policies were infrequently selected.

Insert Table 2 about here

Discussion

It was clear from the review of literature that malpractice vulnerability is becoming greater all the time for many professional groups. Counselors like psychologists and psychiatrists may well be one of the next professional groups to be targets of increased malpractice litigation.

Training programs are also quite vulnerable in that they ask interns and practicum students to provide direct services to clients in schools, clinics, agencies, and other settings. It was surprising that only half of the training programs surveyed included malpractice liability as a curriculum topic. Further, only half recommended that students purchase a policy. Perhaps most revealing is that such a small percentage required students to buy such a policy.

Malpractice vulnerability must be made clear to trainees while they are studying at the graduate level. It is recommended that trainees,who provide direct services to clients be required to purchase

a malpractice insurance policy. If this does not happen, students, internship settings, and supervisors will continue to be at high risk.

REFERENCES

Burgum, T, & Anderson, S. (1975). The counselor and the law. APGA Press, Washington, D.C.

Eberlein, L. (1977). Counselors beware! Clients have rights! Personnel and Guidance Journal, 56, 219-223.

Graduate study in psychology, (1982-83). Washington, D.C.: American Psychological Association.

Hare-Mustin, R., Marecek, J., Kaplan, A. & Liss-Levinson, N. (1979). Rights of clients, responsibilities of therapists. American Psychologist, 34, 3-15.

Hofling, Charles k., (Ed.), (1981). Law and ethics in the practice of Psychiatry. New York: Brunner/Mazel.

Huckins, W. (1968). Ethical and legal considerations in guidance. Boston+ Houghton Mifflin Company.

Lewin, M.H. (1978) Establishing and maintaining a successful provessional practice. New York+ Professional Development Institute.

Schwitzgebel, R.L., & Schwitzgebel, K.R. (1980). Law and psychological practice. New York: John Wiley & Sons.

Van Hoose, W. H., & Kottler, J.A. (1978) Ethical and legal issues in counseling and psychotherapy. San Francisco: Jossey-Bass Publishers.

Wright, R.H. (1981). Psychologists and professional liability (malpractice) insurance+ A retrospective review, American Psychologist, 36m 1485-1493.

Wright, R.H. (1981). What to do until the malpractice lawyer comes: A survivor's manual. American Psychologist, 36, 1535-1541.

Table 1

Counselor Education

Malpractice Insurance Survey

1. Is there a practicum or internship portion to your Master's Level training program which includes direct counselor/client contact with your students?

2. Is malpractice insurance a topic in your curriculum?

3. Do you recommend that your students purchase a malpractice insurance policy?

4. Do you require your students to purchase a malpractice insurance policy?

5. If a malpractice insurance policy is recommended/required, which policy do your suggest?

Table 2

Survey Results

		Yes		No	
		N	Percent	N	Percent
1.	Is there direct client-counselor contact in internship/practicum experience?	45	98	1	2
2.	Is malpractice insurance part of the curriculum?	26	56.5	20	43.5
3.	Is the purchase of a malpractice in-insurance policy recommended to students?	22	48	24	52
4.	Is the purchase of a malpractice insurance policy required of students?	7	15	39	85